IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 746 OF 2006

In

APPEAL FROM ORDER ST.NO. 18232 of 2006

Mr.Mohammed Ali Hasham Memon .. Applicant

versus

Rajkumar Chamnlal Behr .. Respondent

...

Mr.Karpe i/b YKS Legal for the applicant.

Mr.K.Y. Mandlik for the respondent.

CORAM : D.G. KARNIK, J

DATED : 13th September 2006

P.C.:

1. Heard learned counsel for the parties.

2. Though the application mentions that the delay is only of 30 days, learned counsel for the petitioner points out that the delay is over one year. After having heard the counsel for the parties, I am

satisfied that the delay is explained. Hence, Civil Application is allowed subject to payment of costs of Rs.3,000/- as a condition precedent. Costs should be paid within a period of two weeks. If the costs are not paid within two weeks, civil application shall stand dismissed without further reference to the Court. On payment of the costs, appeal be numbered and listed for hearing on admission after three weeks.

(D.G. KARNIK, J)